

**DATE:** January 16, 2023

**REPORT NO:** PD-01-2023

**SUBJECT:** **Technical Report No. 2 - 197 Griffin Street Application for Zoning Amendment - Owner – Christoph Arnold, Agent – NPG Planning Solutions (File No. 1601-005-22)**

**CONTACT:** Gerrit Boerema, Senior Planner  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- An application for zoning bylaw amendment has been made by the owner of 197 Griffin Street, C A Real Estate Holdings Inc. (Christoph Arnold) and NPG Planning Solutions Inc. as agent.
- The subject property currently contains a converted dwelling with commercial space on the ground floor and a secondary apartment on the second storey. There is also a detached garage with three parking spaces.
- A zoning bylaw amendment has been submitted to modify certain zoning provisions to allow for the redevelopment of this property to result in four dwelling units and a ground floor commercial space within the existing main building.
- The subject property is designated Commercial Core within the Township's Official Plan and is zoned Core Commercial 'C1' which permits a number of commercial uses and accessory apartments above the ground floor.
- A public meeting was held on April 11, 2022 where a number of concerns were raised by members of Council, the Public and Planning Staff.
- The applicants have now revised their development proposal, including the design of the building and have also modified their zoning bylaw amendment request.
- To accommodate the revised development proposal, the applicants are now requesting the following site specific amendments to the Township's Zoning Bylaw:
  - Permit an area of 75 m<sup>2</sup> on the ground floor to be used for entrance purposes to the above ground floor accessory dwelling units
  - Permit ingress and egress to the site through an existing lane/driveway, with a width of 3.3 metres for travel in two directions
  - Clarify that Section 3.12.2 d) of the bylaw requiring driveways not exceed 50% of a required yard does not apply.

**OVERVIEW (Continued):**

- Following receipt of comments from agencies, Committee and members of the public, staff are recommending the preparation and presentation of a Recommendation report at a future Planning, Building and Environmental Committee Meeting.
  - Clarify that Section 3.12.7 (h) of the Zoning Bylaw regarding maximum garage width for an attached private garage does not apply.
- The applicants have removed the private garage and the proposed dwelling unit above the private garage in the rear of the property to address privacy and shadow concerns, and replaced it with more parking spaces to provide the required number of parking spaces in the rear yard.
- The elevations of the redevelopment have also been revised to address concerns regarding the historical character of the downtown core.
- A second public meeting is being held to allow the public and members of Council and additional opportunity to provide comments on the revised plan.
- Following receipt of all agency and public comments, and a full review of the revised application, Planning Staff recommend the preparation and presentation of a final Recommendation report at a future Planning/ Building/Environment Committee
- As this application was deemed complete in March of 2022, the 90 days for approval has since lapsed and if the punitive fee return was in place, the applicants would be entitled to a refund for their entire fee. Fee returns do not commence under Bill 23 until July 1<sup>st</sup>, 2023.

**RECOMMENDATION:**

1. That, report PD-01-2023, regarding “Technical Report No. 2 - 197 Griffin Street Application for Zoning Amendment Owner – Christoph Arnold, Agent – NPG Planning Solutions File No. 1601-005-22”, dated January 16, 2023, be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee meeting.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- **Strategic Responsible Growth**

**BACKGROUND:**

An application for zoning bylaw amendment has been made by NPG Planning Solutions Inc. on behalf of C A Real Estate Holdings Inc (Christoph Arnold) for the property municipally known as 197 Griffin Street Smithville. The property is approximately 838 square metres in size and is located just south of the intersection of Station Street, Griffin Street and West Street.

The property contains a converted dwelling constructed in the 1920’s but later converted to have commercial space on the ground floor and residential on the second storey. The property also contains a detached three car garage and an asphalt driveway and parking area. The house and property are not designated under the Heritage Act, R.S.O 1990, c. O.18.

The owners were originally proposing to redevelop the property, maintaining the existing buildings but significantly altering the façade and dimensions of both the main building and the detached garage. The result of the initial development proposal would be 4 residential dwelling units and one commercial leasable space. Three of the residential dwelling units and the commercial space would be contained within the existing main building, while the fourth residential unit would be within the detached garage, following the addition of a second storey.

The original zoning bylaw amendment had been submitted to address a number of site specific modifications required as part of this redevelopment plan. These changes included:

- reduction to the minimum rear lot line setback for accessory buildings
- increase to the maximum height limitation for accessory buildings
- increase to the maximum lot coverage for accessory buildings
- exceptions to the accessory dwelling regulations
- reduction to the required number of parking spaces and parking provisions
- allowance of accessory dwelling units in the accessory building without a main floor commercial use.

As a result of a public meeting that was held on April 11, 2022, and comments made by the Township Planning Department, Council and members of the public, the proposal has been significantly revised to reduce the number of site specific exceptions being requested and to revise the elevations of the proposed redevelopment to address concerns regarding the historic character of the downtown core.

To accommodate the revised development proposal, the applicants are now requesting the following site specific amendments to the Township's Zoning Bylaw:

- Permit an area of 75 m<sup>2</sup> on the ground floor to be used for entrance purposes to the above ground floor accessory dwelling units
- Permit ingress and egress to the site through an existing lane/driveway, with a width of 3.3 metres for travel in two directions
- Clarify that Section 3.12.2 d) of the bylaw requiring driveways not exceed 50% of a required yard does not apply.
- Clarify that Section 3.12.7 (h) of the Zoning Bylaw regarding maximum garage width for an attached private garage does not apply.

Four units are still being proposed as part of this development with the unit that was above the detached garage now being located within an addition to the main building. A second public meeting is being held to provide members of Council and the public another opportunity to provide comments on the revised development proposal.

#### **CURRENT SITUATION:**

Staff have completed a preliminary review of the revised application against the applicable planning policies and have provided a summary of this review below:

### **Provincial Policy Statement 2020 (PPS) & A Place to Grow Plan (Growth Plan)**

The subject lands are located within the built up area of the Smithville Urban Settlement Area, as designated by the Provincial Policy Statement and Growth Plan. Provincial Policy strongly encourages intensification and infill development within existing fully serviced built up areas within urban settlement areas. Infill and intensification contributes to a more compact community, supporting walkability and other alternative transportation methods, as well as downtown businesses.

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Planning authorities shall also establish and implement minimum targets for intensification and redevelopment within built-up areas on local conditions. The subject property is located within the designated built-up area and the Township's intensification target for 2021-2051 is 13% or 1,130 units (38 units per year on average). Intensification and redevelopment help reduce urban sprawl over agricultural lands through increasing the population density within the existing built area.

The proposed revised redevelopment is still providing a total of 4 residential units (now all within the main building and an addition thereto) and 1 commercial unit is a form of intensification within the built up core of Smithville.

### **Greenbelt Plan**

The subject property is not within the lands designated under the Provincial Greenbelt Plan and therefore the only provincial plans that apply are the PPS and Growth Plan.

### **Niagara Official Plan, 2022**

On November 4, 2022 the Ministry of Municipal Affairs and Housing approved the Niagara Official Plan. The plan provides a framework of policies to guide growth and development within the Niagara Region to the year 2051.

The new Niagara Official Plan has the subject lands designated as being within the settlement area of Smithville and within the Delineated Built-Up Area. In the Niagara Official Plan, the Township of West Lincoln has been assigned a minimum residential intensification target of 13% or 1,130 units to the year 2051, which are units that are to be located within the Delineated Built-Up Area. The subject lands are within the Delineated Built-Up Area and as the property is currently vacant, would be considered an intensification and would support the Township's overall intensification target by adding three additional residential units.

The Niagara Official Plan provides additional policies with regards to housing in Section 2.3 of the Plan. The objects of the plan are to provide a mix of housing options to address current and future needs, provide more affordable and attainable housing options within our communities, and to achieve affordable housing targets through land use and financial incentive tools.

This application would contribute to the overall intensification target established by the new Niagara Official Plan.

### **Township Official Plan, 2014**

The subject property is located within the Core Commercial Designation in the Township Official Plan. The objectives of the Core Commercial designation include the protection and enhancement of the character of the historic downtown, promote new development in appropriate locations at appropriate scales, ensure new development is compatible with existing development, to enhance and encourage the maintenance of commercial and residential buildings and to encourage the provision of sufficient parking to accommodate new development.

Within the Core Commercial designation, a number of uses are permitted including apartment buildings and mixed use buildings with at grade commercial space, offices, retail stores, restaurants, personal and commercial services and at grade parking facilities, among other uses. There are a number of uses prohibited in the Core Commercial Designation, including single and semi-detached dwellings, drive-through facilities, and automotive centred commercial uses, among other uses.

The Township Official Plan provides further policies in regards to developments within the commercial core. They include the requirement for parking to be behind the main building, retail uses at grade, main entry facing the street with the facade of the building having an attractive design, adaptive reuse permitted including intensification opportunities provided that commercial spaces are protected, new buildings to have a minimum of 2 storeys and a maximum of 5, and developments are required to be on full municipal water and sewer services and are to be subject to site plan control.

Staff have completed a preliminary review of the revised development proposal and note that the proposed development is now entirely within an existing three storey house and the one storey detached garage will be removed and be replaced with surface parking. The main dwelling is still within the permitted number of storeys. Additionally, parking is proposed to be located behind the main building, where parking already exists. Based on the submitted draft elevation drawings, one main entry way is located on the front façade, with additional entries on the south façade. It appears that there are separate entry ways for each unit and the commercial space.

The proposed façade of the main building, which is a house that was built in the 1920's, was originally proposed to be more of a modern design, however, the design has now been revised in a way that is more sympathetic to the historical character of the downtown core and adjacent housing. Please see more discussion with regards to urban design under "Urban Design Standard" later in this report.

The Official Plan also provides policy with respect to Infill Development and Redevelopment compatibility. Achieving compatibility is of paramount importance for infill and redevelopment opportunities. To achieve this, new dwelling units and conversions of existing houses within Smithville shall:

1. Be of a building height which reflects adjacent housing
2. Provide for a similar lot coverage to adjacent properties
3. Maintain the average front yard setback for adjacent housing to preserve streetscape and character

4. Provide for similar side yard setbacks to preserve spaciousness of the street
5. Provide a built form that reflects the variety of façade details and material of adjacent housing
6. Provide limitation on width of a garage.

The Township can request architectural design guidelines for new and altered buildings to reflect the existing character and compact form of the area including guidance on setbacks, coverage, building massing, building materials and patterns of detailing.

**Township of West Lincoln Zoning Bylaw 2017-70**

The subject property, 197 Griffin Street, is currently zoned Core Commercial ‘C1’. Permitted uses within the Core Commercial ‘C1’ zone include Apartment Dwelling, Art Gallery, Financial Institution and Funeral Homes, among other uses. Also permitted are accessory apartments, secondary to a principle use.

The revised concept would still result in 4 accessory apartments and a principle commercial space on the ground floor, all now within the main building, with the existing detached garage to be removed. As a result, a number of the originally proposed zoning modifications are no longer needed, including reduced setbacks to the rear and side yard setbacks, lot coverage and parking space requirements.

The applicants have now requested a zoning amendment to address four remaining and new zoning deficiencies. The table below provides an overview of the zoning exceptions being requested:

Bylaw Section	Required	Proposed	Notes
<b>Accessory Dwelling Provisions</b>			
Section 3.2.1 a. – Accessory Dwelling units are only permitted to occupy a maximum of 10 sq. metres on the main floor		75 m <sup>2</sup>	Regulation to ensure that the prominent use of the main floor is commercial
<b>Driveways, Parking Aisles and Off Street Parking</b>			
Minimum driveway width for two way traffic	7.5m	3.3 m	To recognize existing width of driveway to access rear of the property
Driveways within required yards	Not to exceed 50% in area	Does not apply	
3.12.7 h) Garage Width	50% of total width of dwelling to max. 9.2m	Does not apply	Private garage attached to the main building but located in behind the building. Not a streetscape concern.

The revised concept plan now also provides the minimum number of parking spaces for the 4 accessory units and main commercial unit and zoning relief for parking spaces is no longer required.

**Urban Design Manual**

The subject property is located within the Central Node designation of the Downtown core of Smithville and would fall under an apartment building in the Township Urban Design Manual. Section 7 of the design manual provides the design guidelines for buildings within the Downtown core central node.

Section 7 of the manual provides 13 guidelines for developments within Downtown Smithville. The guidelines are:

1. Minimum height for all new buildings shall be two storeys
2. Minimum Ground floor height 4 metres for new buildings
3. New buildings shall be oriented towards Regional Road 14/20
4. Provides ample articulation and fenestration on building facades along and visible from RR 20/14
5. A minimum of 50% of the building must front the public street
6. Built form, architectural details and materials should maintain and enhance the Main Street character of downtown Smithville
7. Use high quality exterior cladding materials including brick, stone and precast concrete
8. At street level, buildings should exhibit pedestrian friendly architectural design, well defined entrances and ample fenestration with clear vision glass.
9. Provide retail uses at street level where possible to create a continuous retail edge
10. New buildings situated at either of the two intersections of Regional Road 20 and Regional Road 14 should have greater building height emphasis and architectural detailing incorporated into the design of all facades facing the intersection
11. Buildings located adjacent to the proposed Town Square must provide enhanced façade design and general fenestration along elevations facing the square.
12. Parking, loading and service area for new buildings within the Downtown must be located in the rear or side yards and should be visually screened from adjacent streets and properties
13. No parking, driveways or laneways should be location between building and regional Road 20 or Regional Road 14.

An urban design report was not submitted with the original zoning amendment application or the revised application. It was listed as a requirement for the site plan stage, which was not submitted with the zoning amendment application, however, recent legislative changes at a provincial level through Bill 23 means that site plan control may be limited on this property, and can no longer consider urban design.

Urban design can still be evaluated through the zoning amendment application, however, there are challenges with implementation outside of a site plan process.

The applicants have significantly revised the façade and architecture of the proposed redevelopment. The applicants state in their resubmission that the architectural style has been 'softened' and is generally in keeping with the architectural vernacular, materials and colours of the early 20<sup>th</sup> century.



Staff note that the proposed façade of the main building would have a number of features that draw on the essence of the current façade.

### Facing Griffin Street North (East Elevation)

*Original*

*Revised*



1 East Elevation  
SCALE: 3/16" = 1'-0"

1 East Elevation  
SCALE: 3/16" = 1'-0"

### South Elevation

*Original*

*Revised*



1 South Elevation  
SCALE: 3/16" = 1'-0"

1 South Elevation  
SCALE: 1/8" = 1'-0"

### North Elevation

*Original*

*Revised*



1 North Elevation  
SCALE: 3/16" = 1'-0"

1 North Elevation  
SCALE: 1/8" = 1'-0"

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## West Elevation

*Original*

*Revised*



The changes to the elevations include an addition on to the rear of the main building to accommodate one additional accessory dwelling unit with covered surface parking at grade.

The most visible elevations of the building would be the east façade, facing Griffin Street, and the south elevation, also clearly visible from Griffin Street. Staff note that the façade, although it has elements that capture some of the essence of the original 20<sup>th</sup> century façade, will be completely altered, including dormers that will change the roofline.

Staff note that on the north elevation, a significant portion of the wall is being proposed as stucco, and may not be the most desirable building material that reflects the historical character. A brick that matches the current exterior of the house would, in the opinion of staff be a more suitable material to enhance the historical character of the downtown core.

Additionally, staff note that many of the proposed windows also do not reflect the historical character of the area of the home itself and there may be more favourable options that are more reflective of this homes heritage.

Staff will continue to review the proposed urban design. We do believe improvements could be made, specifically though the use of quality materials that enhance the historical character of the area, but as a result of Bill 23, urban design elements may be difficult to implement through a site plan approval process.

### FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report except for the potential implications associated with Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1<sup>st</sup>, 2023, to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

The timelines for approval and required fee returns associated with this will require Township Staff to prepare recommendations on a quicker timeline for Council's decisions. Council must make a decision within 90 days of complete application or they will be required to refund.

	<b>Zoning and Official Plan Combined</b>	<b>Zoning Bylaw Amendment</b>	<b>Site Plan</b>
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 9 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

The current 2023 fee for a standard zoning bylaw amendment is \$9,630.00. If not approved within 90 days, starting on July 1<sup>st</sup>, 2023 the Township would be required to refund the applicant \$4,815.00, at 149 days, \$7,222.50 and after 209 days, the entire fee.

As this application has exceeded the 209 days, a full return of the fee would be required under Bill 23, however, that does not come into effect until July 1<sup>st</sup>, 2023.

**INTER-DEPARTMENTAL AND PUBLIC COMMENTS:**

At the time of writing this report the Township has received one comment from a member of the public as a part of the second round of consultation, in addition to the comments received as part of the original public consultation period in April of 2022.

The owner of 197 Griffin Street has provided comments with concerns around the ability for vehicles to turn and manoeuvre in the rear yard parking area without crossing the property line south onto his property. Additionally, there is concern around snow management and storage on the property. These comments have been given to the applicants for response. Staff do note that most of both 197 and 195 Griffin Street are already covered in asphalt parking and driveway and that the property line run down the centre of the driveway. Most likely both properties experience vehicles crossing the property line, especially when entering and exiting the property. The changes to 197 Griffin street, in the opinion of staff, may not significantly change this existing situation.

Planning staff will continue to review this public submission, as well as any oral submissions made during the public meeting and provide a response in a future report, as well as give the applicant an opportunity to respond to the concerns raised.

**CONCLUSION:**

An application for zoning bylaw amendment has been made to address a number of proposed zoning deficiencies for the proposed redevelopment of 197 Griffin Street. This application was presented at a public meeting and then later revised to address the comments and concerns raised. The revised submission has significantly reduced the number of site specific zoning modifications required, and has proposed a design that is more sympathetic to the character of the downtown core.


These zoning modifications have been requested to facilitate a redevelopment of the property which would result in 4 accessory dwelling units (all four units now within the main building) and a commercial space.

Comments have been received by a number of agencies and one member of the public at this time. Following any additional comments made at the public meeting, staff recommend that a recommendation report be prepared and presented at a future Committee meeting.

**ATTACHMENTS:**


1. Location map
2. Revised Site Plan
3. Re-submission cover letter
4. Revised Elevation Drawings
5. Public and Agency Comments – Second Round

**Prepared & Submitted by:**



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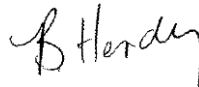
**Gerrit Boerema**  
**Senior Planner**



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**Brian Treble**  
**Director of Planning & Building**

**Approved by:**



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**Bev Hendry**  
**CAO**